

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

CHARLES R. FAZEKAS,)	
)	
Plaintiff)	2:09cv407
)	Electronic Filing
vs.)	
)	Judge Cercone/
)	Magistrate Judge Hay
)	
NATIONAL HERITAGE ACADEMIES,)	
Defendant)	

MEMORANDUM ORDER

On May 20, 2009, this case was referred to United States Magistrate Judge Amy Reynolds Hay for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On May 28, 2009, the Magistrate Judge issued a Report and Recommendation (Document No. 10) recommending that the Motion to Dismiss Complaint (Document No. 4) filed by the Defendant, National Heritage Academies, Inc., be denied. It was also recommended that the Plaintiff's Motion to Transfer this matter to the Northern District of Ohio (Document No. 7) be granted. Service of the Report and Recommendation was made on the parties. No objections were filed.

After review of the pleadings and documents in this case, together with the Report and Recommendation, the following **ORDER** is entered:

AND NOW, this 24th day of June, 2009, **IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss Complaint (Document No. 4) is **DENIED** and Plaintiff's Motion to Transfer Case to Northern District of Ohio (Document No. 7) is **GRANTED**. The Report and

Recommendation of Magistrate Judge Amy Reynolds Hay (Document No. 10) is hereby adopted as the opinion of the Court.

The Court instructs the Clerk of this Court to transfer this case **FORTHWITH** to the United States District Court for the Northern District of Ohio.



Davis Stewart Cercone
United States District Judge

cc: All Counsel of Record Via CM-ECF